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**CRIMINAL PROSECUTION APPLICATION (CPA)  
REQUEST TRANSMITTAL**

**Submit an original, and a duplicate for fee processing.**  
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX if applicable:  
[ ] DUPLICATE

Address to:  
**Commissioner for Patents**  
**Box CPA**  
**Washington, D.C. 20231**

Attorney Docket No. of Prior Application	7922
Assignee:	The Procter & Gamble Co.
First Named Inventor	Gary (NMN) Stephenson
Examiner Name	S. Rose
Group/Art Unit	1614
Express Mail Label No.	EK952553211US

This is a request for a [X] continuation or [ ] divisional application under 37 CFR 1.53(d),  
(continued prosecution application (CPA)) of prior application number 09/489,310,  
filed on January 21, 2000, entitled Methods of Using a Beverage Composition.

## NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.52(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of the CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide all information and authorization on PTO-2038.**

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Box CPA, Washington, D.C. 20231.

Please type a plus sign (+) inside this [+] +  
[+]

PTO/SB/29 (08-00)

Approved for use through 10/31/2002. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16 (c) or (j))	10 - 20*	0	x \$ =	\$ 0
	INDEPENDENT CLAIMS (37 CFR 1.16 (b) or (i))	1 - 3**	0	x \$ =	\$ 0
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$ =	\$
				BASIC FEE (37 CFR 1.16)	\$ 710.00
			Total of above Calculations =		\$ 710.00
	Reduction by 50% for filing by small entity (Note 37 CFR §1.27).				
	* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.			TOTAL =	\$ 710.00

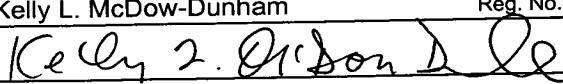
6. Small entity status: Applicant claims small entity status. See 37 CFR §1.27.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 16-2480.
  - a.  Fees required under 37 CFR § 1.16.
  - b.  Fees required under 37 CFR § 1.17.
  - c.  Fees required under 37 CFR § 1.18.
8.  A check in the amount of \$ \_\_\_\_\_ is enclosed.
9.  Payment by credit card. Form PTO-2038 is attached.
10.  Applicant requests suspension of action under 37 CFR §1.103(b) for a period of \_\_\_ months (not to exceed 3 months) and the fee under 37 CFR §1.17(i) is enclosed.
11.  New Attorney Docket Number, if desired \_\_\_\_\_  
[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]
12. a.  Receipt For Facsimile Transmitted CPA (PTO/SB/29A)  
b.  Return Receipt Postcard (Should be specifically itemized, See MPEP 503)
13.  Other: The Commissioner is hereby petitioned under 37 CFR §1.136(a) to grant any extension of time needed for timely response to the Office Action dated June 4, 2001 in the parent of the above-identified continuation application to preserve pendency of said parent application. The processing fee under 37 CFR §1.17 has been determined as follows: \$ 110.00 for a 1-month extension of time.

**NOTE: The prior application's correspondence address will carry over to this CPA  
UNLESS a new correspondence address is provided below.**

**12. NEW CORRESPONDENCE ADDRESS**

(Insert Customer No.here)	
<input checked="" type="checkbox"/> Customer Number	27752

**13. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

NAME (Print/Type)	Kelly L. McDow-Dunham	Reg. No. 43,787
SIGNATURE		
DATE	September 26, 2001	